CONNY B. McCORMACK
REGISTRAR-RECORDER/COUNTY CLERK

September 30, 2003

Mr. John Mott-Smith, Elections Chief
Secretary of State Elections Division
1500 11th St., 5th Floor
Sacramento, Cal 95814

Dear John:

On behalf of Los Angeles County (County) and Diebold Election Systems (Diebold) this is a request for provisional certification of a modification to the GEMS ballot tabulation software for use in Los Angeles County for the November 4, 2003 Uniform District Elections (UDEL).

Currently, the County utilizes a Micro Tally System (MTS) to tabulate votes, a DOS-based system that has been used for the past 25 years with some modifications. In January 2002, the County signed a $2 million contract with Diebold to integrate Direct Record Electronic (DRE) touchscreen ballots cast during the early voting period with the County's new InkaVote voting system in order to create combined election results. This project also completes the crucial component of integrating software that creates vote recorder device and sample ballot booklet pages, candidate statements and measure text on a single network platform. For the past 1½ years Diebold has been working diligently on this project to modify GEMS software (a MS-SQL-based tally system) to tabulate InkaVote ballot cards, modifications that enable GEMS to interface with our ballot card readers. Additionally, the City of Los Angeles is a major partner in this software conversion project in order to conduct their future elections using InkaVote and DRE systems.

It is vital that this modified version of GEMS be used for the first time in a smaller, low profile election in Los Angeles County (i.e. the November 2003 UDEL Election) rather than to introduce it for the first time at the March 2004 statewide Primary Election. This trial use is essential to the successful tabulation of ballots for the March and November 2004 Primary and General Elections that must be conducted on the modified GEMS software due to the obsolescence of the DOS-based MTS System. We need the capabilities that have been written into the GEMS modified software to fully integrate a DRE system with the InkaVote absentee component for all future elections. As you and I discussed several weeks ago when I broached the subject of provisional certification with you, we can and will activate our old MTS system as a backup for the UDEL Election. However, this would not be possible for the 2004 elections due to the estimated two+ million ballots that will be cast in each of those elections compared with a UDEL Election that is expected to involve less than 250,000 ballots.

We realize the time is short between now and the November 4, 2003 UDEL Election and I apologize that we did not submit this request sooner. However, our extensive final tests of the modified GEMS software were only able to be completed within the past two weeks due to competing priorities in conjunction with preparations for the October 7, 2003 Special Statewide

Recall Election.   We are truly in need of your office's favorable consideration of this request. Please contact Michael Petrucello, Assistant Registrar-Recorder/County Clerk, Technical Services to obtain any additional information you may need regarding the technical aspects of this request.

We hope to hear from you soon. Thank you for your consideration.

Sincerely,

Conny B. McCormack
Registrar-Recorder/County Clerk